

(3) submits to the department, in the manner and time prescribed by the department, a proposal for the collection and distribution to food banks or other charitable organizations for use in providing food to needy or low-income individuals of surplus agricultural products, including:

- (A) a description of the proposal;
- (B) a schedule of projected costs for the proposal;
- (C) measurable goals for the proposal; and
- (D) a plan for evaluating the success of the proposal.

*Sec. 20.003. REPORT. A nonprofit organization that receives a grant under this chapter must report the results of the project to the department in the manner prescribed by the department.*

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

Passed by the House on March 21, 2001, by a non-record vote; passed by the Senate on April 24, 2001: Yeas 29, Nays 0, 1 present, not voting.

Approved May 7, 2001.

Effective May 7, 2001.

## CHAPTER 50

S.B. No. 695

### AN ACT

relating to consultations between a governmental body and its attorney.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subchapter F, Chapter 551, Government Code, is amended by adding Section 551.129 to read as follows:

*Sec. 551.129. CONSULTATIONS BETWEEN GOVERNMENTAL BODY AND ITS ATTORNEY.* (a) A governmental body may use a telephone conference call, video conference call, or communications over the Internet to conduct a public consultation with its attorney in an open meeting of the governmental body or a private consultation with its attorney in a closed meeting of the governmental body.

(b) Each part of a public consultation by a governmental body with its attorney in an open meeting of the governmental body under Subsection (a) must be audible to the public at the location specified in the notice of the meeting as the location of the meeting.

(c) Subsection (a) does not:

(1) authorize the members of a governmental body to conduct a meeting of the governmental body by telephone conference call, video conference call, or communications over the Internet; or

(2) create an exception to the application of this subchapter.

(d) Subsection (a) does not apply to a consultation with an attorney who is an employee of the governmental body.

(e) For purposes of Subsection (d), an attorney who receives compensation for legal services performed, from which employment taxes are deducted by the governmental body, is an employee of the governmental body.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

Passed the Senate on March 20, 2001: Yeas 30, Nays 0, one present, not voting; passed the House on April 24, 2001: Yeas 145; Nays 0, two present, not voting.

Approved May 7, 2001.

Effective May 7, 2001.

## CHAPTER 51

S.B. No. 802

### AN ACT

relating to tax-exempt benefits for county employees.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subchapter C, Chapter 155, Local Government Code, is amended to read as follows:

#### SUBCHAPTER C. ~~[CAFETERIA PLAN]~~ SALARY REDUCTIONS TO FINANCE CERTAIN BENEFIT OPTIONS

Sec. 155.041. DEFINITION. In this subchapter, "county employee" means a person who receives compensation for service performed, other than as an independent contractor, for a county, for a precinct or other unit of a county, or for a county officer acting in an official capacity.

Sec. 155.042. *BENEFIT* ~~[CAFETERIA PLAN]~~ PROGRAM. The commissioners court of a county by order or resolution may establish a program to provide benefits that *qualify for* ~~[qualifies as]~~ a cafeteria plan *or a bona fide compensation reduction arrangement* under ~~[Section 125 of]~~ the federal Internal Revenue Code of 1986 ~~[(26 U.S.C. Section 125)]~~ and regulations adopted under that *code* ~~[section]~~.

Sec. 155.043. SALARY REDUCTION AGREEMENTS. (a) If the commissioners court establishes a ~~[cafeteria plan]~~ program under this subchapter, the court shall authorize county employees to enter into voluntary agreements with the county to reduce the periodic compensation paid the employees by the county by amounts to be used to finance benefit options provided under the *program* ~~[cafeteria plan]~~. An authorization under this section must be made available to all employees of the county.

(b) Amounts by which a county employee's compensation is reduced under an agreement under this section are excluded from the computation of contributions and other payments governed by federal law to the extent authorized by federal law, including withholding payments for federal income taxes and contributions to the federal old age and survivors insurance program, but are not excluded in the computation of contributions to and benefits from the Texas County and District Retirement System and other retirement programs governed by state law.

Sec. 155.044. RULES. The commissioners court may adopt rules, consistent with this subchapter and federal ~~[cafeteria plan]~~ requirements, for participation in and administration of the program authorized by this subchapter.